

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE AT MEMPHIS**

LABERTHA MILTON

Plaintiff,

Docket No. _____

v.

JURY DEMANDED

**DELVIN RUSSELL and
LYFT, INC.**

Defendants,

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff, LABERTHA MILTON, (hereinafter “Plaintiff”), by and through her attorneys, P. Craig Grinstead of the Grinstead Law Firm, PLLC, and James King, Jr., of Eskins, King and Marney PC, for her Complaint against Defendant, DELVIN RUSSELL (hereinafter “Defendant”), states as follows:

PARTIES

1. Plaintiff is an adult resident of Memphis, Shelby County, Tennessee.
2. Defendant, DELVIN RUSSELL upon information and belief is an adult resident of Horn Lake, Desoto County, Mississippi, and whose address is 5860 Chance Drive North A, Horn Lake, Mississippi, TN 38637.
3. Defendant, LYFT, INC., is a Delaware based corporation and whose registered agent of service is CT Corporation System located at 300 Montvue Rd., Knoxville, TN 37919.

JURISDICTION AND VENUE

4. This is a cause of action arising in tort and brought on behalf of the Plaintiff, LABERTHA MILTON, for personal injuries, pain and suffering, and medical expenses incurred that directly and proximately resulted from injuries sustained by Plaintiff as a result of Defendant's negligence on or about August 19, 2018 in Shelby County, Tennessee.

5. This Court has jurisdiction pursuant to 28 U.S. Code § 1332 and the amount in controversy exceed \$75,000.00. Venue is proper in this Court pursuant to 28 U.S. Code § 1391 (b)(2). This action is timely filed pursuant to Tenn. Code Ann § 28-1-105(a).

FACTS AND ACT OF NEGLIGENCE

6. On or about August 19, 2018, Plaintiff was traveling as a passenger/customer in The car driven by Defendant DELVIN RUSSELL while acting as an employee agent for Defendant, LYFT, INC.

7. Suddenly and without warning, Defendant, DELVIN RUSSELL, driving in a reckless and negligent manner, attempted to make an illegal left hand turn in front of an oncoming vehicle and causing the two vehicles to violently collide. The negligence of Defendant, DELVIN RUSSELL, is imputed on Defendant, LYFT, INC. under the doctrine of Respondeat Superior.

CAUSES OF ACTION

8. Plaintiff re-alleges and incorporates by reference the allegations contained in Paragraphs 1-7 above as if set forth verbatim.

9. Defendant DELVIN RUSSELL was negligent in the following respects:

- a. Failing to keep a proper lookout;
- b. In operating his vehicle in a reckless manner;

- c. In having total disregard for life and safety for the plaintiff and others who were traveling on the roadways;
- d. Failing to maintain proper control of his vehicle;
- e. In Failing to yield the right-of-way;
- f. In failing to take proper evasive action to avoid a collision with the other vehicle;

10. The defendants violated the following statutes:

- a. T.C.A. §55-10-205 Reckless Driving;
- b. T.C.A. §55-8-103 Required obedience to traffic laws;
- c. T.C.A. §55-8-136 Failure to exercise due care by failing to maintain proper control of vehicle;

11. Defendant DELVIN RUSSELL violated the following ordinances of the City of Memphis which were in full force and effect at the time of the accident:

- a. Section 11-16-2 Duty to devote full time and attention to operating vehicle;
- b. Section 11-16-3 Duty to drive safe speed, maintain lookout and keep vehicle under control;
- c. Section 11-16-37 Right of way when traffic signal.

12. Defendant LYFT, INC employed defendant driver, DELVIN RUSSELL who was acting in the course and scope of his employment with LYFT, INC., while driving Plaintiff as a passenger/customer, and therefore vicariously liable in that, at the time of the injury, the vehicle was being used in furtherance business of LYFT, INC., with the authority and knowledge, express or implied, of defendant LYFT, INC. Each and every act of negligence, both common law and statutory, hereinbefore charged against Defendant DELVIN RUSSEEL are imputed to

the Defendant LYFT INC., and thereby liable under the Tennessee doctrine of Respondeat Superior for the damages to Plaintiff. LYFT INC., was negligent for entrusting said business practice to DELVIN RUSSELL, who was a driver not competent and who was negligent. Plaintiff relies upon Tenn. Code Ann §55-10-311 and §55-10-312 for further proof that the vehicle driven by Defendant DELVIN RUSSELL, as an agent/employee to Defendant LYFT INC., and as an agent/employee operating with authority, consent and knowledge of Defendant LYFT INC., said vehicle was used to the benefit of the employer, Defendant LYFT INC..

PROXIMATE CAUSE

13. The negligence of both defendants was the direct and proximate cause of the Accident, resulting injuries and damages to the Plaintiff.

DAMAGES

14. As a direct and proximate result of the negligence of the Defendants, the Plaintiff, LABERTHA MILTON, seeks monetary damages from the Defendants for the following injuries:

- a. Severe and painful injuries, either caused, precipitated, and/or aggravated by the wrongs complained of;
- b. Great fright and shock;
- c. Inability to enjoy the normal pleasures of life;
- d. Medical bills;
- e. Loss wages and diminished earning capacity; and
- f. Plaintiff has incurred medical bills to date in the amount of \$72,212.93 and are attached hereto pursuant to T.C.A. § 24-5-113 (a)(1).

15. Plaintiff state that she will more than likely require future medical treatment and incur additional medical bills for treatment of ongoing injuries.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for actual and compensatory damages in the amount \$1,000,000.00 together with all expenses and costs associated therein.

FURTHER, Plaintiff demands such other relief as may be deemed just and proper.

PLAINTIFF DEMANDS A JURY TO TRY THE ISSUES WHEN JOINED.

Respectfully submitted,

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